

## OFFICE OF CONGRESSIONAL AFFAIRS

### Routing Slip

	ACTION	INFO
1. D/OCA		X
2. DD/Legislation	XXX	<del>X</del>
3. DD/Senate Affairs		X
4. Ch/Senate Affairs		
5. DD/House Affairs		X
6. Ch/House Affairs		
7. Admin Officer		
8. FOIA Officer		
9. Constituent Inquiries Officer		
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SUSPENSE

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Action Officer:

Remarks:

Action completed -  
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Personnel

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oca 3676-88

OCA FILE

H. R. 5043

# One Hundredth Congress of the United States of America

## AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the twenty-fifth day of January,  
one thousand nine hundred and eighty-eight*

### An Act

To amend section 207 of title 18, United States Code, relating to restrictions on post-employment activities.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Post-Employment Restrictions Act of 1988".

#### SEC. 2. RESTRICTIONS ON POST-EMPLOYMENT ACTIVITIES.

(a) RESTRICTIONS.—Section 207 of title 18, United States Code, is amended to read as follows:

"§ 207. Restrictions on former officers, employees, and elected officials of the executive and legislative branches; restrictions on partners of certain current officers and employees of the executive branch

"(a) RESTRICTIONS ON ALL OFFICERS AND EMPLOYEES OF THE EXECUTIVE BRANCH AND CERTAIN OTHER AGENCIES.—

"(1) PERMANENT RESTRICTIONS.—Any person who is an officer or employee of the executive branch of the United States Government, or of any independent agency of the United States (including the Government Printing Office and the General Accounting Office), including the President, the Vice President, and any special Government employee, and who, after his or her service or employment with the United States Government terminates—

"(A) knowingly acts as agent or attorney for, or otherwise represents, aids, or advises any other person (except the United States) concerning any formal or informal appearance before, or

"(B) knowingly makes, with the intent to influence, any communication on behalf of any other person (except the United States) to,

any department, agency, court, or court-martial of the United States, or any officer or employee thereof, in connection with any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest, or other particular matter—

"(i) in which the United States is a party or has a direct interest,

"(ii) the person participated personally and substantially as such officer or employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, and

"(iii) which involved a specific party or specific parties at the time of such participation,

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shall be punished as provided in subsection (h).

"(2) TWO-YEAR RESTRICTIONS.—Any person subject to the restrictions contained in paragraph (1) who, within 2 years after his or her service or employment with the United States Government terminates—

"(A) knowingly acts as agent or attorney for, or otherwise represents, any other person (except the United States) in any formal or informal appearance before, or

"(B) knowingly makes, with the intent to influence, any communication on behalf of any other person (except the United States) to,

any department, agency, court, or court-martial of the United States, or any officer or employee thereof, in connection with any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest, or other particular matter—

"(i) in which the United States is a party or has a direct interest,

"(ii) which such person knows was actually pending under his or her official responsibility as such officer or employee within a period of 1 year before the termination of his or her service or employment with the United States Government, and

"(iii) which involved a specific party or specific parties at the time it was so pending,

shall be punished as provided in subsection (h).

"(3) ONE-YEAR RESTRICTIONS WITH RESPECT TO TRADE NEGOTIATIONS.—Any person subject to the restrictions contained in paragraph (1) who, within 1 year after his or her service or employment with the United States Government terminates—

"(A) knowingly acts as agent or attorney for, or otherwise represents, aids, or advises any other person (except the United States) concerning any formal or informal appearance before, or

"(B) knowingly makes, with the intent to influence, any communication on behalf of any other person (except the United States) to,

any department, agency, court, or court-martial of the United States, or any officer or employee thereof, in connection with any trade negotiation—

"(i) in which the United States is a party or has a direct interest, and

"(ii)(I) which such person knows was actually pending under his or her official responsibility as such officer or employee within a period of 1 year before the termination of his or her service or employment with the United States Government, or

"(II) in which such person participated personally and substantially as such officer or employee within a period of 1 year before the termination of his or her service or employment with the United States Government,

shall be punished as provided in subsection (h). For purposes of this paragraph, the term 'trade negotiation' means negotiations undertaken to enter into a trade agreement pursuant to section 1102 of the Omnibus Trade and Competitiveness Act of 1988.

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This paragraph applies only in a case in which neither paragraph (1) or (2) of this subsection applies.

"(b) ONE-YEAR RESTRICTIONS ON CERTAIN SENIOR EXECUTIVE BRANCH PERSONNEL.—

"(1) RESTRICTIONS.—In addition to the restrictions set forth in subsection (a), any person who is an officer or employee of the executive branch or an independent agency (including the Government Printing Office and the General Accounting Office), who is referred to in paragraph (2) (other than a special Government employee who serves less than 60 days in the 1-year period before his or her service or employment as such employee terminates), and who, within 1 year after his or her service or employment as such officer or employee terminates—

"(A) knowingly acts as agent or attorney for, or otherwise represents, any other person (except the United States) in any formal or informal appearance before, or

"(B) knowingly makes, with the intent to influence, any communication on behalf of any person (except the United States) to,

any department or agency in which such person served within 1 year before such person's service or employment as such officer or employee terminated, or any officer or employee thereof, in connection with any judicial, rulemaking, or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest, or other particular matter, which is pending before such department or agency or in which such department or agency has a direct interest, shall be punished as provided in subsection (h).

"(2) PERSONS TO WHOM RESTRICTIONS APPLY.—(A) Paragraph (1) shall apply to a person (other than a person subject to the restrictions of subsection (c) or (d))—

"(i) employed at a rate of pay fixed according to subchapter II of chapter 53 of title 5, or a comparable or greater rate of pay under other authority, or

"(ii) employed in a position which involves significant decisionmaking or supervisory responsibility, as designated by the Director of the Office of Government Ethics, in consultation with the department or agency concerned.

Only positions which are not referred to in clause (i), and for which the basic rate of pay is equal to or greater than the basic rate of pay payable for GS-14 of the General Schedule, or positions which are established within the Senior Executive Service pursuant to the Civil Service Reform Act of 1978, or positions held by active duty commissioned officers of the uniformed services who are serving in a grade or rank for which the pay grade (as specified in section 201 of title 37) is pay grade O-7 or O-8, may be designated under clause (ii).

"(B) With respect to persons in positions designated under subparagraph (A)(ii), the Director of the Office of Government Ethics may limit the restrictions of paragraph (1) to permit a former officer or employee, who served in a separate agency or bureau within a department or agency, to make appearances before or communications to persons in an unrelated agency or bureau, within the same department or agency, having separate and distinct subject matter jurisdiction, upon a determination by the Director that there exists no potential for use of inside

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influence or unfair advantage based on past Government service. On an annual basis, the Director of the Office of Government Ethics shall review the designations made under subparagraph (A)(ii) and the determinations made under this subparagraph and, in consultation with the department or agency concerned, make such additions and deletions as are necessary. Departments and agencies shall cooperate to the fullest extent with the Director of the Office of Government Ethics in the exercise of the Director's responsibilities under this paragraph.

"(c) RESTRICTIONS ON OTHER SENIOR EXECUTIVE BRANCH PERSONNEL.—In addition to the restrictions set forth in subsection (a), any person who—

"(1) is appointed to a position in the executive branch or an independent agency (including the Government Printing Office and the General Accounting Office) which is listed in section 5314, 5315, or 5316 of title 5, or

"(2) is appointed by the President to a position under section 105(a)(2)(B) of title 3 or by the Vice President to a position under section 106(a)(1)(B) of title 3, and who, within 1 year after that person's service in that position terminates—

"(A) knowingly acts as agent or attorney for, or otherwise represents, any other person (except the United States) in any formal or informal appearance before, or

"(B) knowingly makes, with the intent to influence, any communication on behalf of any other person (except the United States) to,

any department or agency in which such person served within 1 year before such person's service in such position terminated, or any officer or employee thereof, in connection with any judicial, rule-making, or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest, or other particular matter in which the United States is a party or has a direct interest, shall be punished as provided in subsection (h).

"(d) RESTRICTIONS ON VERY SENIOR EXECUTIVE BRANCH PERSONNEL.—(1) In addition to the restrictions set forth in subsection (a), any person who—

"(A) serves in the position of President or Vice President of the United States,

"(B) is appointed to a position in the executive branch or an independent agency (including the Government Printing Office and the General Accounting Office) which is listed in section 5312 or 5313 of title 5,

"(C) is appointed by the President to a position under section 105(a)(2)(A) of title 3 or by the Vice President to a position under section 106(a)(1)(A) of title 3, or

"(D) serves on active duty as a commissioned officer of a uniformed service in a grade or rank for which the pay grade (as specified in section 201 of title 37) is pay grade O-9 or O-10, and who, within 1 year after that person's service in that position terminates—

"(i) knowingly acts as agent or attorney for, or otherwise represents, any other person (except the United States) in any

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"(ii) knowingly makes, with the intent to influence, any communication on behalf of any other person (except the United States) to

any department, agency, or person described in paragraph (2), in connection with any judicial, rulemaking, or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest, or other particular matter in which the United States is a party or has a direct interest, shall be punished as provided in subsection (h).

"(2) The departments, agencies, and persons referred to in paragraph (1) with respect to appearances or communications by a person in a position described in subparagraph (A), (B), (C), or (D) of paragraph (1) are—

"(A) any department or agency in which such person served in such position within a period of 1 year before such person's service or employment with the United States Government terminated, and any officer or employee of such department or agency,

"(B) any other person appointed to a position in the executive branch which is listed in section 5312, 5313, 5314, 5315, or 5316 of title 5, and

"(C) in the case of a former President or Vice President, the following: any department or agency in the executive branch of the United States Government, any independent agency of the United States, and any officer or employee of any such department or agency.

"(e) RESTRICTIONS ON MEMBERS OF CONGRESS AND OFFICERS AND EMPLOYEES OF THE LEGISLATIVE BRANCH.—

"(1) MEMBERS OF CONGRESS AND ELECTED OFFICERS.—(A) Any person who is a Member of Congress or an elected officer of either House of Congress and who, within 1 year after that person leaves office—

"(i) knowingly acts as agent or attorney for, or otherwise represents, any other person (except the United States) in any formal or informal appearance before, or

"(ii) knowingly makes, with the intent to influence, any communication on behalf of any other person (except the United States) to,

any of the persons described in subparagraph (B), in connection with any matter which is pending before the Congress or any matter on which such former Member of Congress or elected officer seeks action by the Congress or by a Member of Congress in his or her official capacity, shall be punished as provided in subsection (h).

"(B) The persons referred to in subparagraph (A) with respect to appearances or communications by a former Member of Congress or elected officer, are any Member of Congress, elected officer, or employee of either House of Congress.

"(2) PERSONAL STAFF.—(A) Any person who is an employee of a Senator or an employee of a Member of the House of Representatives and who, within 1 year after that employment terminates—

"(i) knowingly acts as agent or attorney for, or otherwise represents, any other person (except the United States) in any formal or informal appearance before, or

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"(ii) knowingly makes, with the intent to influence, any communication on behalf of any other person (except the United States) to,

any of the persons described in subparagraph (B), in connection with any matter which is pending before the Congress or any matter on which such former employee seeks action by the Congress or by a Member of Congress in his or her official capacity, shall be punished as provided in subsection (h).

"(B) The persons referred to in subparagraph (A) with respect to appearances or communications by a person who is a former employee are the following:

"(i) the Senator or Member of the House of Representatives of whom that person was an employee; and

"(ii) any employee of that Senator or Member of the House of Representatives.

"(3) COMMITTEE STAFF.—Any person who is an employee of a committee of Congress and who, within 1 year after that person's employment as such employee terminates—

"(A) knowingly acts as agent or attorney for, or otherwise represents, any other person (except the United States) in any formal or informal appearance before, or

"(B) knowingly makes, with the intent to influence, any communication on behalf of any other person (except the United States) to,

any person who is a Member, or an employee, of that committee of Congress, in connection with any matter which is pending before the Congress or any matter on which such former employee seeks action by the Congress or by a Member of Congress in his or her official capacity, shall be punished as provided in subsection (h).

"(4) LEADERSHIP STAFF.—(A) Any person who is an employee on the leadership staff of the House of Representatives or an employee on the leadership staff of the Senate and who, within 1 year after that person's employment on such staff terminates—

"(i) knowingly acts as agent or attorney for, or otherwise represents, any other person (except the United States) in any formal or informal appearance before, or

"(ii) knowingly makes, with the intent to influence, any communication on behalf of any other person (except the United States) to,

any of the persons described in subparagraph (B), in connection with any matter which is pending before the Congress or any matter on which such former employee seeks action by the Congress or a Member of Congress in his or her official capacity, shall be punished as provided in subsection (h).

"(B) The persons referred to in subparagraph (A) with respect to appearances or communications by a former employee are the following:

"(i) in the case of a former employee on the leadership staff of the House of Representatives, those persons are any Member of the leadership of the House of Representatives, and any employee on the leadership staff of the House of Representatives; and

"(ii) in the case of a former employee on the leadership staff of the Senate, those persons are any Member of the

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leadership of the Senate, and any employee on the leadership staff of the Senate.

"(5) LIMITATION ON RESTRICTIONS.—(A) The restrictions contained in paragraphs (2), (3), and (4) apply only to acts by a former employee who was paid for services rendered as such employee at a rate of pay equal to or greater than the basic rate of pay payable for GS-17 of the General Schedule under section 5332 of title 5, for a period of more than 60 days during the 1-year period before that former employee's service as such employee terminated.

"(B) The restrictions contained in paragraphs (2), (3), and (4) shall not apply to any appearance, communication, or representation by a former Member of Congress, elected officer, or employee which is made in carrying out official duties as an officer or employee of the United States Government.

"(6) DEFINITIONS.—As used in this subsection—

"(A) the term 'committee of Congress' includes standing committees, joint committees, and select committees;

"(B) a person is an employee of a House of Congress if that person is an employee of the Senate or an employee of the House of Representatives;

"(C) the term 'employee of the House of Representatives' means an employee of a Member of the House of Representatives, an employee of a committee of the House of Representatives, an employee of a joint committee of the Congress whose pay is disbursed by the Clerk of the House of Representatives, and an employee on the leadership staff of the House of Representatives;

"(D) the term 'employee of the Senate' means an employee of a Senator, an employee of a committee of the Senate, an employee of a joint committee of the Congress whose pay is disbursed by the Secretary of the Senate, and an employee on the leadership staff of the Senate;

"(E) a person is an employee of a Member of the House of Representatives if that person is an employee of a Member of the House of Representatives under the clerk hire allowance;

"(F) a person is an employee of a Senator if that person is an employee in a position in the office of a Senator;

"(G) the term 'employee on the leadership staff of the House of Representatives' means an employee of the office of a Member of the leadership of the House of Representatives described in subparagraph (K), and any elected minority employee of the House of Representatives;

"(H) the term 'employee on the leadership staff of the Senate' means an employee of the office of a Member of the leadership of the Senate described in subparagraph (L);

"(I) the term 'Member of Congress' means a Senator or a Member of the House of Representatives;

"(J) the term 'Member of the House of Representatives' means a Representative in, or a Delegate or Resident Commissioner to, the Congress;

"(K) the term 'Member of the leadership of the House of Representatives' means the Speaker, majority leader, minority leader, majority whip, minority whip, chief deputy majority whip, chief deputy minority whip, Democratic Steering Committee, chairman and vice chairman of the



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Democratic Caucus, chairman, vice chairman, and secretary of the Republican Conference, Republican Research Committee, and Republican Policy Committee, of the House of Representatives; and

"(L) the term 'Member of the leadership of the Senate' means the Vice President, and the President pro tempore, Deputy President pro tempore, majority leader, minority leader, majority whip, minority whip, chairman and secretary of the Conference of the Majority, chairman and secretary of the Conference of the Minority, Majority Policy Committee, and Minority Policy Committee, of the Senate.

"(f) RESTRICTIONS RELATING TO FOREIGN ENTITIES.—

"(1) RESTRICTIONS.—Any person who is subject to the restrictions contained in subsection (b), (c), (d), or (e) and who knowingly, within 1 year after leaving the position, office, or employment referred to in subsection (b), (c), (d), or (e), as the case may be—

"(A) represents the interests of a foreign entity before any department, agency, or official of the Government of the United States with the intent to influence a decision of such department or agency or of such official in carrying out his or her official duties; or

"(B) aids or advises a foreign entity with the intent to influence a decision of any department or agency of the Government of the United States, or of any official of the Government of the United States in carrying out his or her official duties,

shall be punished as provided in subsection (h).

"(2) DEFINITIONS.—For purposes of this subsection—

"(A) the term 'foreign entity' means—

"(i) the government of a foreign country; and

"(ii) a foreign organization which the Director of the Office of Government Ethics has determined, upon the Director's own initiative or pursuant to request, to be acting as an instrumentality of the government of a foreign country;

"(B) the term 'government of a foreign country' has the meaning given that term in section 1(e) of the Foreign Agents Registration Act of 1938, as amended; and

"(C) an organization is acting as an 'instrumentality of the government of a foreign country' when the organization acts under the direction or control—

"(i) of the government of a foreign country, or

"(ii) of a person any of whose activities are directly or indirectly supervised, directed, controlled, financed, or subsidized in whole or in major part by such a government.

"(g) OFFENSES LIMITED TO ACTS FOR COMPENSATION.—(1) An act does not constitute an offense under subsection (a), (b), (c), (d), (e), or (f) unless the act is done for compensation.

"(2) As used in this subsection, the term 'compensation' means anything of value which is provided, directly or indirectly, for services rendered, including a payment, gift, benefit, reward, favor, or gratuity.

"(h) PENALTIES.—The punishment for an offense under subsection (a), (b), (c), (d), (e), or (f) is the following:

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"(1) Any person who engages in the conduct constituting the offense shall be imprisoned for not more than 1 year or fined in the amount set forth in this title, or both.

"(2) Any person who willfully engages in the conduct constituting the offense shall be imprisoned for not more than 2 years or fined in the amount set forth in this title, or both.

"(G) GENERAL EXCEPTIONS.—

"(1) CERTAIN ELECTED OFFICIALS AND EMPLOYEES.—(A) The restrictions contained in subsection (a) shall not apply to any appearance, communication, or representation which is made in carrying out official duties as an elected official of a State or local government.

"(B) The restrictions contained in subsections (a)(2), (a)(3), (b), (c), (d), (e), and (f) shall not apply to any appearance, communication, or representation by a former Member of Congress or officer or employee of the executive or legislative branch, which is made in carrying out official duties as—

"(i) an elected official of a State or local government, or

"(ii) an employee of (I) an agency or instrumentality of a State or local government, (II) an institution of higher education, as defined in section 1201(a) of the Higher Education Act of 1965, or (III) a hospital or medical research organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, if the appearance, communication, or representation is on behalf of such government, institution, hospital, or organization.

"(2) INTERNATIONAL ORGANIZATIONS.—The restrictions contained in subsections (a)(2), (a)(3), (b), (c), (d), (e), and (f) shall not apply to the representation of, or advice or aid to, an international organization of which the United States is a member.

"(3) PUBLIC SPEECHES AND APPEARANCES.—The restrictions contained in subsections (b), (c), (d), (e), and (f) shall not apply to the making of public speeches or public appearances.

"(J) DESIGNATIONS OF SEPARATE STATUTORY AGENCIES AND BUREAUS.—

"(1) DESIGNATIONS.—For purposes of subsections (b) and (c), and except as provided in paragraph (2), whenever the Director of the Office of Government Ethics determines that a separate statutory agency or bureau within a department or agency in the executive branch exercises functions which are distinct and separate from the remaining functions of the department or agency, the Director shall by rule designate such agency or bureau as a separate department or agency.

"(2) INAPPLICABILITY OF DESIGNATIONS.—(A) A designation of an agency or bureau under paragraph (1) shall not apply with respect to—

"(i) a former head of that designated agency or bureau; and

"(ii) any former officer or employee of the department or agency within which the designated agency or bureau exists, if the official responsibilities of the officer or employee included supervision of that designated agency or bureau.

"(B) No agency or bureau within the Executive Office of the President may be designated under paragraph (1) as a separate department or agency.

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“(C) Even if an agency or bureau is designated under paragraph (1), a person subject to the restrictions set forth in subsection (c) may not make any representation or other appearance prohibited by that subsection before, and may not make any communication prohibited by that subsection to, any person who is serving in a position set forth in section 5312, 5313, 5314, 5315, or 5316 of title 5, in the department or agency within which the designated agency or bureau exists.

“(k) EXCEPTION FOR SCIENTIFIC OR TECHNOLOGICAL INFORMATION.—The restrictions contained in subsections (a), (b), (c), and (d) shall not apply with respect to the making of communications by a former officer or employee solely for the purpose of furnishing scientific or technological information, if such communications are made under procedures acceptable to the department or agency concerned or if the head of the department or agency concerned with the particular matter, in consultation with the Director of the Office of Government Ethics, makes a certification, published in the Federal Register, that the former officer or employee has outstanding qualifications in a scientific, technological, or other technical discipline, and is acting with respect to a particular matter which requires such qualifications, and that the national interest would be served by the participation of the former officer or employee.

“(l) RESTRICTIONS ON PARTNERS OF OFFICERS AND EMPLOYEES.—Any person who is a partner of an officer or employee of the executive branch of the United States Government, or of any independent agency of the United States (including the Government Printing Office and the General Accounting Office), including the President, the Vice President, and any special Government employee, and who knowingly acts as agent or attorney for anyone other than the United States before any department, agency, court, or court-martial of the United States, or any officer or employee thereof, in connection with any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest, or other particular matter in which such person knows that—

“(1) the United States is a party or has a direct and substantial interest, and

“(2) such officer or employee or special Government employee participates or has participated personally and substantially as an officer or employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise,

shall be imprisoned for not more than 1 year or fined in the amount set forth in this title, or both.

“(m) EXCEPTION FOR TESTIMONY.—Nothing in this section shall prevent a former Member of Congress or officer or employee of the executive or legislative branch from giving testimony under oath, or from making statements required to be made under penalty of perjury.

“(n) ADMINISTRATIVE DEBARMENT.—

“(1) AUTHORITY.—If the head of a department or agency in which a former officer or employee of the executive branch or of an independent agency served finds, after notice and an opportunity for a hearing, that such former officer or employee knowingly engaged in conduct constituting an offense under subsection (a), (b), (c), (d), or (f) of this section, such department

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behalf of any other person (except the United States), any informal or formal appearance before, or, with the intent to influence, any communication to, such department or agency on a pending matter of business for a period of not more than 5 years, or may take other appropriate disciplinary action. For purposes of this subsection, proof of conduct constituting an offense must be established by a preponderance of the evidence.

"(2) REVIEW OF DISCIPLINARY ACTION.—Any disciplinary action under paragraph (1) shall be subject to review in an appropriate United States district court.

"(3) PROCEDURES.—Departments and agencies in the executive branch and independent agencies shall, in consultation with the Director of the Office of Government Ethics, establish procedures to carry out this subsection.

"(c) CIVIL PENALTIES.—The Attorney General may bring a civil action in the appropriate United States district court against any person who engages in conduct constituting an offense under subsection (a), (b), (c), (d), (e), (f), or (l) and, upon proof of such conduct by a preponderance of the evidence, such person shall be subject to a civil penalty of not more than \$50,000, or the amount of compensation which the person receives for the prohibited conduct, whichever amount is greater. The imposition of a civil penalty under this subsection does not preclude any other remedy which is available by law to the United States or any other person.

"(p) INJUNCTIVE RELIEF.—If the Attorney General has reason to believe that a person is engaging in conduct constituting an offense under subsection (a), (b), (c), (d), (e), (f), or (l), the Attorney General may petition an appropriate United States district court for an order prohibiting that person from engaging in such conduct. The court shall order the trial of the action on the merits to be advanced and consolidated with the hearing on the petition. The court may issue such order if it finds that such conduct constitutes such an offense. The filing of a petition under this subsection does not preclude any other remedy which is available by law to the United States or any other person."

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 11 of title 18, United States Code, is amended by amending the item relating to section 207 to read as follows:

"207. Restrictions on former officers, employees, and elected officials of the executive and legislative branches; restrictions on partners of certain current officers and employees of the executive branch."

SEC. 3. EFFECTIVE DATE.

(a) IN GENERAL.—Subject to subsection (b), this Act and the amendments made by this Act take effect 9 months after the date of the enactment of this Act.

(b) EFFECT ON EMPLOYMENT.—(1) The amendments made by this Act apply only to persons whose service as a Member of Congress or an officer or employee to which such amendments apply terminates on or after the effective date of such amendments.

(2) With respect to service as an officer or employee which terminates before the effective date of this Act, section 207 of title 18, United States Code, as in effect at the time of the termination of such service, shall continue to apply, on and after such effective date, with respect to such service.

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SEC. 4. SEVERABILITY.

If any provision of this Act or the amendments made by this Act or the application of such provision to any person or circumstance is held invalid, the remainder of this Act and the amendments made by this Act and the application of such provision to other persons not similarly situated or to other circumstances shall not be affected by such invalidation.

*Speaker of the House of Representatives.*

*Vice President of the United States and  
President of the Senate.*